

FILED AUG 29 2011

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAVID LUSIK,
Petitioner,

v.

WARDEN DEBRA K. SAURERS, et al.,
Respondents.

CIVIL ACTION

No. 11-1560

ORDER

BERLE M. SCHILLER, J.

AND NOW, this 27 day of Aug, 2011, upon careful and independent consideration of the petition for a writ of habeas corpus, and after review of the Report and Recommendation of United States Magistrate Judge Timothy R. Rice, *and objections thereto*, IT IS ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The petition for a writ of habeas corpus is DISMISSED without prejudice.
3. The praecipe and motion for judicial notice (doc. 2) is DENIED.
4. The praecipe (doc. 5) is DENIED.
5. The motion for evidentiary hearing (doc. 6) is DENIED.
6. The motion for preliminary injunction (doc. 7) is DENIED.
7. The motion to supplement complaint (doc. 10) is DENIED.
8. The motion for judicial notice (doc. 16) is DENIED.
9. There is no probable cause to issue a certificate of appealability.

ENTERED

AUG 31 2011

CLERK OF COURT

10. The Clerk of the Court shall mark this case closed for statistical purposes.

BY THE COURT:

A handwritten signature in dark ink, appearing to read "B. M. Schiller", is written over a horizontal line.

BERLE M. SCHILLER, J.